

**EXHIBITS A – B**

AFFIDAVITS OF  
DR. STEPHANIE HOLLAND AND  
ATTORNEY BRIAN T. MAY

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 PETER DELVECCHIA, individually  
4 and as next friend of A.D., a Minor,

5 Plaintiffs,

6 v.

7 FRONTIER AIRLINES, INC., et al.,

8 Defendants.

Case No.: 2:19-cv-01322-KJD-DJA

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10 **DECLARATION OF DR. STEPHANIE HOLLAND**

11 I, Dr. Stephanie Holland, declare and state the following:

12 1. I am a licensed psychologist in the States of Nevada and Colorado. I hold a Bachelor  
13 of Arts in Psychology from the University of Nevada, Las Vegas, a Master of Arts in Psychology  
14 from the California School of Professional Psychology, and a Doctorate in Psychology, obtained in  
1996, from the California School of Professional Psychology.

15 2. I was retained by Frontier Airlines, Inc. ("Frontier") in the above-captioned case to  
16 perform a Rule 35 Examination of the minor Plaintiff A.D.

17 3. On August 5, 2022, Magistrate Judge Daniel Albregts entered a written Order  
18 granting Frontier's motion to conduct the Rule 35 Exam. The Order placed several conditions on  
the Exam, one of which prohibited the use of recording devices. ECF No. 195, p. 8.

19 4. On February 13, 2023, United States District Judge Kent J. Dawson entered a  
20 written Order denying Plaintiffs' Rule 72(a) Objection to Magistrate Judge Albregts' ruling.

21 5. On June 20, 2023, counsel for Frontier provided me with a summary of the protocol  
22 for the Rule 35 exam of A.D. that was approved by Judge Albregts and Judge Dawson, including  
the condition that observers and recording devices were prohibited during the exam.

23 6. On June 21, 2023, counsel for Frontier provided me with Judge Albregts' August 5,  
24 2022, Order and Judge Dawson's February 13, 2023, Order, which set forth the approved protocol  
for the Rule 35 exam of A.D.

25 7. The exam was originally scheduled to take place on June 29, 2023. However, on  
26 June 28, 2023, while I was at the Denver International Airport, my flight to Raleigh, NC was  
27 cancelled, necessitating the rescheduling of the IME for July 25, 2023.  
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9. In my private practice, I frequently record interviews to ensure the accuracy of my notes regarding the subject's responses. In this particular case, I had reviewed A.D's deposition just prior to the exam and was concerned about potential hearing issues. During his deposition, he was asked several times to speak up due to the low volume of his speech. To avoid disrupting the flow of the exam with repeated requests for A.D. to speak louder, I chose to record segments of A.D.'s Rule 35 Exam using my cell phone.

10. I understand that Plaintiffs' counsel contacted Brian T. Maye, counsel for Frontier Airlines, Inc. shortly after the Rule 35 Examination to relay that I had recorded parts of the Exam. Mr. Maye immediately contacted me, and I confirmed having made such recordings.

11. I have not listened to the recordings, nor have I authorized anyone else to listen to the recordings, and I have not shared them with Mr. Maye, nor any other attorneys in this matter.

12. I solemnly swear that I did not purposefully violate Magistrate Judge Albregts' Order prohibiting the use of recording devices, and Frontier's attorneys, including Brian T. Maye, did not instruct me to do so. This was an honest mistake and the result of oversight.

3        13. While I have no intentions of listening to the recordings of A.D., I have preserved them and can make them available to the Court upon request.

4 I declare under penalty of perjury under the laws of the United States that the foregoing is  
5 true and correct to the best of my knowledge.

6  
- Dated: August 31, 2023

7 Dated: August 31, 2023

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 PETER DELVECCHIA, individually  
4 and as next friend of A.D., a Minor,

5 Plaintiffs,

6 v.

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8 Defendants.

Case No.: 2:19-cv-01322-KJD-DJA

9  
10 **DECLARATION OF BRIAN T. MAYE**

11 I, Brian T. Maye, declare and state:

12 1. I am one of the attorneys representing Frontier Airlines, Inc. ("Frontier") in the  
13 above-captioned litigation.

14 2. On August 5, 2022, Magistrate Judge Daniel Albregts entered a written Order  
15 granting Frontier's motion to conduct the Rule 35 Exam of A.D. The Order placed several  
conditions on the Exam, one of which prohibited the use of recording devices. ECF No. 195, p. 8.

16 3. On February 13, 2023, United States District Judge Kent J. Dawson entered a  
17 written Order denying Plaintiffs' Rule 72(a) Objection to Magistrate Judge Albregts' ruling.

18 4. My office sent several materials to Dr. Holland to aid in her preparation for the Rule  
19 35 Examination, including copies of the aforementioned Orders.

20 5. I also discussed with Dr. Holland the conditions imposed by Magistrate Judge  
Albregts, and understood that Dr. Holland was aware of the prohibition against recording devices.

21 6. The Rule 35 exam of A.D. was originally scheduled to take place on June 29, 2023.  
22 However, on June 28, 2023, Dr. Holland's flight to Raleigh, NC was cancelled, necessitating the  
rescheduling of the exam for July 25, 2023.

23 7. Shortly after A.D.'s Rule 35 Examination took place on July 25, 2023, Plaintiffs'  
24 counsel advised me that Dr. Holland had recorded portions of the Exam, in violation of Judge  
25 Albregts' original ruling.

26 8. Upon learning of the violation of the Court's Order, I immediately contacted Dr.  
27 Holland and asked her to preserve the recordings.  
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1           9. I understand that Dr. Holland has neither listened to the recordings herself nor  
2 allowed anyone else to listen to the recordings.

3           10. While I have no intentions of listening to the recordings of A.D., I will work with  
4 Dr. Holland to ensure the recordings are preserved, and can make them available to the Court upon  
5 request.

6           **I declare under penalty of perjury under the laws of the United States that the foregoing is**  
7 **true and correct to the best of my knowledge.**

8 Dated: August 31, 2023



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